

DANIELLE A. R. COFFMAN
CROWLEY FLECK PLLP
1667 Whitefish Stage, Suite 101
P. O. Box 759
Kalispell, MT 59903-0759
Telephone: (406) 752-6644
Facsimile: (406) 752-5108
dcoffman@crowleyfleck.com

Attorneys for Defendant FIA Card Services, N.A.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Stephanie M. Schroeder,

Plaintiff,

vs.

Bank of America, LLC. A/K/A FIA Card
Services, N.A.;

Defendant.

Case No.: 9:12-CV-00132-DLC-JCL

**DEFENDANT FIA CARD
SERVICES, N.A.'S MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

Defendant FIA Card Services, N.A. (also erroneously sued as "Bank of America, LLC") moves, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing Plaintiff Stephanie M. Schroeder's ("Plaintiff") Complaint without leave to amend on the following grounds:

1. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s-2(a).

2. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s-2(b).

3. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the Montana Consumer Protection Act, M.C.A. § 30-14-133.

This Motion is supported by Defendant’s supporting brief and Request for Judicial Notice submitted herewith.

CROWLEY FLECK, PLLP

By /s/ Danielle A. R. Coffman

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